

MUL-0005D1

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MAY 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Cross et al.)	
Serial No.:	10/671,167)	Group Art Unit: 2821
Filed:	September 25, 2003)	
For:	RETROFIT LIGHT EMITTING DIODE TUBE)	Examiner: Vu, Jimmy T.

VIA FACSIMILE TO: (703) 872-9306
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

DECLARATION

Dear Sir:

I, Peter R. Hagerty, Esq., declare and state that:

1. Upon information and belief, a first Office Action, dated August 24, 2004, was mailed by the Patent Office to the Applicants at their place of business.
2. The contact information for the Applicant' place of business is current and correct.
3. The present application was abandoned for filing to reply to the first Office Action within the statutory period.
4. Upon information and belief, the Office Action was never received at Applicants place of business.

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5. I first learned that the first Office Action had been mailed to Applicants and that no response was filed on May 9, 2005 during a phone call from the Examiner.

6. I have reviewed the docketing records and the file jacket history and can find no evidence that the first Office Action was received.


7. I have been practicing before the Patent Office for at least the past 7 years and have filed and prosecuted or am prosecuting in excess of about 300 patents.

8. I have never filed a Petition to withdraw a holding of abandonment for failing to receive an Office Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Respectfully submitted,

By:


Peter R. Hagerly
Registration No. 42,618

Date: May 27, 2005

Mule Lighting, Inc.
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